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5                   UNITED STATES DISTRICT COURT  
6                   FOR THE WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8                   DREW MACEWEN, ANDREW BARKIS,  
9                   CHRIS CORRY, BRANDON VICK, KELLY  
10                  CHAMBERS, MICHAEL MCKEE, FRAN  
11                  WILLS, BRUCE RUSSELL, Phil Fortunato,  
12                  Dave McMullan, Isaac Vellekamp, and Marcus  
13                  Torrey,

14                  *Plaintiffs,*

15                  v.

16                  JAY INSLEE, in my official capacity as the  
17                  Governor of Washington,

18                  *Defendant.*

19                  No. 3:20-cv-05423

20                  DECLARATION OF PHIL FORTUNATO

21                  I, Phil Fortunato, make the following declaration under penalty of perjury:

- 22                  1. I am a plaintiff in the above-entitled action and have personal knowledge of the facts stated  
23                  herein.  
24                  2. I am a resident of King County, Washington, and elected state senator for the 31st Legislative  
25                  District.  
26                  3. I also own Eco-3.  
27                  4. Eco-3 is an environmental compliance company doing business in Washington state.  
28                  5. Eco-3 normally services construction contractors in the private residential and commercial  
29                  construction fields.

30                  MACEWEN V. INSLEE

31                  DECLARATION OF PHIL FORTUNATO - 1

32                  No. 3:20-cv-05423

33                  ARD LAW GROUP PLLC

34                  P.O. Box 11633  
35                  Bainbridge Island, WA 98110  
36                  Phone: (206) 701-9243

- 1 6. Private residential and commercial construction have been halted as a result of the
- 2 Proclamations.
- 3 7. Private residential and commercial construction have been halted even though construction in
- 4 other fields, such as low-income government housing and other government-preferred fields,
- 5 is permitted to continue.
- 6 8. But for the Proclamations, Eco-3's clients would be continuing construction.
- 7 9. Because the majority of Eco-3's clients have been forced to halt work, there is no need for Eco-
- 8 3's environmental compliance services.
- 9 10. I am losing money every day due to the Proclamations.
- 10 11. Eco-3's revenues have declined by over 80% due to the Proclamations.

11  
12 SIGNED, May 20, 2020, at Auburn, Washington.

13  
14 By:   
15 PHIL FORTUNATO